

REMARKS**Summary of the Office Action**

In the Office Action, the drawings and specification stand objected to.

Claims 18, 20, 22, 30 and 38-44 stand rejected under 35 U.S.C. § 102 (b), as being anticipated by U.S. Patent No. 5,179,579 to *Dove*.

Claims 19, 21, 23, 25, 27, 29 and 31-37 have been allowed.

Claims 24, 26 and 28 have been indicated as including allowable subject matter.

Summary of the Response to the Office Action

Applicant proposes amending the specification, canceling claims 18, 38, 41 and 43 (claims 1-17 being canceled per the Preliminary Amendment filed October 8, 2003), and amending claims 20, 24, 26, 28, 30, 32 and 39. Accordingly, claims 20, 22, 24, 26, 28, 30, 39, 40, 42 and 44 are pending for further consideration (claims 19, 21, 23, 25, 27, 29 and 31-37 being allowed).

Objection to the Drawings

In the Office Action, the drawings stand objected to for including black shading.

With regard to the drawings, Applicants respectfully thank that Examiner for the suggested changes to bring the Application in conformance with U.S. standards, and herewith files formal drawings, Figs. 1-7. Accordingly, Applicant respectfully requests withdrawal of the objection to the drawings.

Objection to the Specification

In the Office Action, the specification stands objected to for not including the proper labeling.

As suggested by the Examiner, Applicants have amended the specification as noted above.

Accordingly, Applicant respectfully requests withdrawal of the objection to the specification.

All Claims are Allowable

In the Office Action, claims 18, 20, 22, 30 and 38-44 stand rejected under 35 U.S.C. § 102 (b), as being anticipated by U.S. Patent No. 5,179,579 to *Dove*. Claims 19, 21, 23, 25, 27, 29 and 31-37 have been allowed. Claims 24, 26 and 28 have been indicated as including allowable subject matter. Applicant traverses the rejection of claims 18, 20, 22, 30 and 38-44 for the following reasons.

Independent claims 24, 26 and 28

With regard to claims 24, 26 and 28, which were indicated as including allowable subject matter and have now been rewritten in independent form, Applicant respectfully asserts independent claims 24, 26 and 28 are now allowable, and dependent claims 20, 22, 30, 32, 34 and 36, which depend from independent claim 24, are also allowable at least because their base claim is allowable, as well as for the additional features recited therein.

Independent claim 39

With regard to independent claim 39, Applicant respectfully asserts that *Dove* does not teach or suggest a method of specifying a sensor holder for the creation of an image of an object, wherein the sensor holder supports a digital sensor of dental X-ray apparatus, the method including, “a third step, in which a sensor holder is selected from a plurality of available sensor holders and, optionally, an associated sensor is assigned to each of the objects to be X-rayed and a template is shown,” as recited in independent claim 39, as amended.

Support for these features recited in claim 1 can be found at least on pages 1-3 and 5-7 of the originally filed specification, and in Figs. 1-4 of the originally filed drawings. Specifically, as shown in Fig. 1, the present invention provides a method of specifying a sensor holder 1 for the creation of an image of an object 20, wherein the sensor holder supports a digital sensor 5 of dental X-ray apparatus 21. The method includes the steps of displaying a predetermined number of possible objects to be X-rayed in a general display, and selecting a predetermined number of

objects to be X-rayed from a plurality of objects shown in the general display. The method further includes the step of selecting a sensor holder from a plurality of available sensor holders and, optionally, assigning an associated sensor to each of the objects to be X-rayed and a template is shown.

With regard to independent claim 39, the Office Action cites *Dove* as teaching or suggesting the method recited in claim 39.

Dove, as illustrated in Fig. 1 and 3 thereof, teaches the assignment of a single sensor holder to a region of interest. In the special case discussed in Col. 4:62 – Col. 5, *Dove* discloses the use of a sensor holder for a bitewing examination. Thus based upon the reasons presented below, Applicant respectfully asserts that *Dove* fails to disclose the selection of a sensor holder from a plurality of available sensor holders and the assignment of an associated sensor to each of the objects to be X-rayed.

Specifically, as discussed in the specification on page 1, lines 12-17, “[d]igital X ray apparatus, particularly when used in dentistry, exhibits a large number of different sensors and sensor holders. Thus there are various sensor holders, with the aid of which reproducible images can be made, *eg*, to produce anterior, posterior, bitewing and endo images. It is left to the experience of the user to decide which holder should be used next, for example when creating a series of images. This can be inefficient, since periods of latency cannot be used for preparation.”

Further, as discussed in the specification on page 2, lines 19-25, “[i]n order to make the application user friendly, the system offers a selection of virtual sensors and sensor holders. This overview shows a large number of sensor holders, which are differentiated by colors, symbols, or shapes. These markings correspond to similar or identical markings on the real sensor holders and sensors. It is thus easier for the user to associate the virtual sensor and sensor holder with the real sensor and sensor holder. By showing the characteristic properties of the sensor, such as its size, shape, etc., the risk of confusing sensors is further reduced.”

The aforementioned features and benefits of the present invention, as discussed above and recited in independent claim 39, as amended, are clearly not taught or suggested by *Dove*.

For example, referring to Figs. 1-3 (especially Figs. 2 and 3), the present invention provides for the selection of a sensor 5 and a corresponding sensor holder 1 by means of processing unit 22, in that as shown in Fig. 2, a combination 8 is specified from a plurality of sensor holders 1-4 and a plurality of sensors 5-7, (see page 5, lines 16-32). This combination is optionally placed, with other combinations, in a graphically displayed schematic image 10, (see page 5, line 32 to page 6, line 1). The position of the sensor may also be shown in a general display in the form of a tomogram 11, in this case as an outline 8', (see page 6, lines 1-2). On the basis of this position, a simulated image can be computed with reference to an existing non patient dependent general display or, ideally, a patient related individual X-ray image 11, which simulated image is then displayed, (see page 6, lines 4-6). The user can then decide whether the sensor and the corresponding sensor holders should be used for creating a real image, (see page 6, lines 6-8).

Further, referring to Fig. 3-7 (especially Fig. 3), there is shown a schematic image 10 for setting up an X-raying session involving a number of images or for selecting different areas in the image, and also a non-patient dependent panoramic radiogram 11 as the general display and starting point for the X ray image to be created, (see page 6, lines 11-14). Depending on the schematic image 10, a new X-ray image is always assigned to the currently selected position of the sensor, this being in Figs. 3 to 7 sensor position 1 in each case, (see page 6, lines 18-20). Lastly, to each position of the sensor in the schematic image 10 there is assigned a combination 8.1-8.4 of a sensor of a certain size and in a certain position, namely horizontal or vertical, and a corresponding holder, identifiable by a colored display thereof, (see page 6, lines 22-24).

Thus, as noted above, the present invention discloses the selection of a sensor holder from a plurality of available sensor holders and the assignment of an associated sensor to each of the objects to be X-rayed, whereas *Dove* only discloses the use of a single sensor holder and in a special case, discloses the use of a sensor holder for bitewing examination.

Accordingly, based upon the deficiencies noted above in the teachings of *Dove*, Applicant respectfully asserts that *Dove* fails to teach or fairly suggest a method of specifying a sensor holder for the creation of an image of an object, the method including, "a third step, in

which a sensor holder is selected from a plurality of available sensor holders and, optionally, an associated sensor is assigned to each of the objects to be X-rayed and a template is shown,” as recited in independent claim 39, as amended.

As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. Of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Moreover, as pointed out in M.P.E.P. § 2143.03, “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art”. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102 (b) should be withdrawn because *Dove* does not teach or suggest each feature of independent claim 39, as amended.

In view of the above arguments, Applicant respectfully requests the rejection of independent claim 39 under 35 U.S.C. § 102 be withdrawn. Additionally, claims 40, 42 and 44, which depend from independent claim 39, are allowable at least because their base claim is allowable, as well as for the additional features recited therein.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant’s undersigned representative to expedite prosecution.

ATTORNEY DOCKET NO.: 066489-0027
Application No.: 10/644,990
Page 14

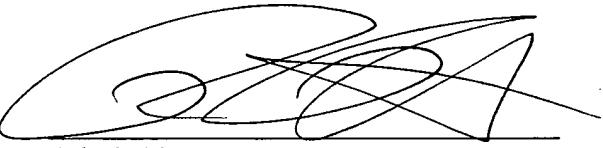
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 04-2223. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

DYKEMA GOSSETT PLLC

Dated: January 19, 2005

By:


Adesh Bhargava
Reg. No. 46,553

DYKEMA GOSSETT PLLC
1300 I Street, N.W., Suite 300 West
Washington, D.C. 20005
(202) 906-8696

DC01\87055.1
ID\ABH